

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|   |                 |
|---|-----------------|
| A REVIEW PURSUANT TO 807 KAR 5:058 OF ) |                 |
| THE 1991 INTEGRATED RESOURCE PLAN OF )  | CASE NO. 91-422 |
| EAST KENTUCKY POWER COOPERATIVE, INC. ) |                 |

O R D E R

On February 20, 1992, East Kentucky Power Cooperative, Inc. ("EKPC") filed a motion requesting a deviation from Commission Regulation 807 KAR 5:058, Section 11, in regard to the publication of notices of the filing of its Integrated Resource Plan ("IRP") in this case. This regulation requires each utility filing an IRP to publish, in a manner prescribed by the Commission, notice of its filing in the newspaper of largest circulation in each county in which the utility currently provides service. In an Order dated November 22, 1991, the Commission set forth a format to be used by EKPC when publishing notice of the filing of its IRP.

In its motion, EKPC states that, in order to comply with the notice requirement, it made arrangements for the publication of the Commission's prescribed notice in 88 newspapers in the service territories of EKPC's member distribution cooperatives. On December 20, 1991 and January 9, 1992, EKPC submitted affidavits of publication and tearsheets it had received from newspapers by those dates. EKPC now claims that, despite letters and telephone calls, it has been unable to obtain required affidavits and

tearsheets from 15 of the original 88 newspapers. Of those 15 newspapers, 6 have indicated to EKPC that they have no record of EKPC's publication request, 8 have not responded to EKPC's repeated contacts, and 1 apparently went out of business during 1991. EKPC requests that the Commission determine that those publications of notice which have been documented to date are sufficient to satisfy the requirements of 807 KAR 5:058, Section 11, in this case.

The Commission finds that EKPC should submit new publication requests to the six newspapers that did not receive the original requests. The format for the newspaper notice should be identical to that set forth in the Commission's November 22, 1991 Order. Within 5 days of the date of this Order, EKPC should file photocopies of these publication requests. Within 30 days of the publication of notice, EKPC should file affidavits of publication and tearsheets of the newspaper notices. In the event any motions to intervene are received and granted, the Commission will establish a new procedural schedule to allow said intervenors the opportunity to submit written questions to EKPC and file written comments on the plan with the Commission.

The Commission further finds that EKPC should file, within 10 days of the date of this Order, photocopies or tearsheets of the notices published in the eight remaining operating newspapers that have not provided EKPC with affidavits of publication. In the event that EKPC determines that no notice was published in one or more of these eight newspapers, notice should be published in accord with the directive in the preceeding paragraph.

IT IS THEREFORE ORDERED that:

1. Within 5 days of the date of this Order, EKPC shall file photocopies of the requests for publication submitted to the following newspapers: Anderson News, Berea Citizen, Bracken County News, Grant County Express, Lewis County Herald, and the Courier Journal.

2. Within 30 days of the publication of notices required by this Order, EKPC shall file affidavits of publication and tear sheets of the newspaper notices.

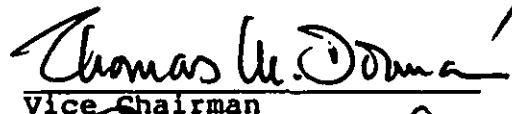
3. Within 10 days of the date of this Order, EKPC shall file photocopies or tearsheets of the notices published in the following newspapers or, in the alternative, notice shall be published in the following newspapers: Floyd County Times, Grayson County News Gazette, Hart County News Herald, Henry County Local, Jessamine Journal, Robertson Record, Russell County News, and Spencer Magnet.

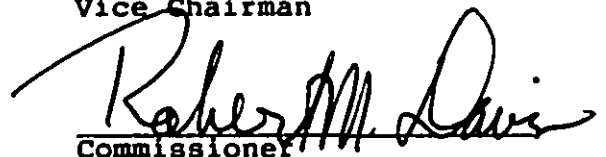
4. EKPC's motion for permission to deviate from Commission Regulation 807 KAR 5:058, Section 11, on publication of notice is granted with respect to the Montgomery Times and denied without prejudice with respect to all other newspapers.

Done at Frankfort, Kentucky, this 17th day of March, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director